

BEFORE THE BOARD OF OIL, GAS AND MINING
DEPARTMENT OF NATURAL RESOURCES
STATE OF UTAH

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IN THE MATTER OF THE POTENTIAL	:	ORDER TO DISMISS
PATTERN OF VIOLATIONS,		
INCLUDING NOTICES OF VIOLATION	:	DOCKET NO. 92-041
N91-35-1-1 AND N91-26-7-2 (#2)		CAUSE NO. ACT/015/025
CO-OP MINING COMPANY, BEAR	:	
CANYON MINE, ACT/015/025,		
EMERY COUNTY, UTAH	:	

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The above-entitled matter came before the Board of Oil, Gas and Mining ("Board") on Wednesday, March 24, 1993, in the Boardroom of the Division of Oil, Gas and Mining ("Division"), #3 Triad Center, Suite 520, 355 West North Temple, Salt Lake City, Utah. The hearing was held before Board members:

James W. Carter, Chairman
Jay L. Christensen
Thomas B. Faddies
Dave D. Lauriski
Judy F. Lever
Raymond Murray
Kent G. Stringham

Respondent, Co-Op Mining Company ("Co-Op"), was represented by Carl E. Kingston. The Division was represented by Thomas A. Mitchell, Assistant Attorney General for the state of Utah. The Board was represented by William R. Richards, Assistant Attorney General for the state of Utah.

At the hearing, the Division and Respondent moved to dismiss this matter based on the additional research of counsel for both parties which demonstrated that the mechanistic approach adopted by the Division for determination of a pattern would in all

likelihood be found to be more stringent than the application of the parallel federal statute and rules.

Intervenor Castle Valley Special Service District, through their counsel, Jeffrey W. Appel, acquiesced in this Joint Motion to Dismiss.

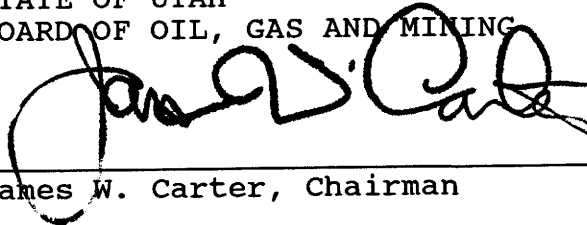
The Board, after having considered the arguments of counsel now enters its

ORDER

Based on the representation of the parties and for good cause shown, the Board grants the parties' Joint Motion to Dismiss. THEREFORE, this matter is dismissed with prejudice.

ENTERED this 24th day of March, 1993.

STATE OF UTAH
BOARD OF OIL, GAS AND MINING

A handwritten signature in black ink, appearing to read "James W. Carter", is written over a horizontal line.

James W. Carter, Chairman

CERTIFICATE OF MAILING

I hereby certify that I caused a true and correct copy of the foregoing ORDER TO DISMISS in Docket No. 92-041, Cause No. ACT/015/025 to be mailed by certified mail, postage prepaid, on the 10th day of June, 1993, to the following:

- ✓ Carl E. Kingston, Esq.
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- ✓ Jeffrey W. Appel, Esq.
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Lynda Jensen